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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,405	01/06/2004	Dustin C. Kirkland	AUS920030942US1	3912
54105	7590	10/31/2006	EXAMINER	
DUKE W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			PATEL, NITIN	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/752,405	Applicant(s) KIRKLAND ET AL.	
	Examiner Nitin Patel	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,8,11-14,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 5,6,9,10 and 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/6/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4,8,11-14,19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Buxton et al., (U.S. Patent No. 6,094,197).

As per claim 1, Buxton shows a method for user input, the method comprising: receiving a user input (In fig.10), wherein the user input includes a gesture (in fig.10 second figure) that represents a plurality of characters (line across letter a-f in fig.10) and wherein a shape of the gesture (shape reversed I being drawn in fig.10) is related to positions of the plurality of characters within a keyboard layout (in fig.10 keyboard layout); identifying the plurality of characters associated with the gesture; and providing the identified string as text input(as shown in fig.10 and in col.6 lines40-67) .

As per claim 2, Buxton shows identifying a string associated with the gesture includes performing pattern recognition on the gesture (in fig.10).

As per claims 3,14 Buxton shows identifying a string associated with the gesture includes: identifying a starting position; and recording a character based on the starting position with respect to the keyboard layout (in col.7 lines 44-67).

As per claims 4,8,19 Buxton shows wherein identifying a string associated with the gesture includes: identifying a change of direction; and recording a character based on a position of the change of direction with respect to the keyboard layout (in fig.16 having different modes and options to write character).

As per claim 11, Buxton shows providing the identified string as input includes providing the identified string to an application (in fig.11).

Claims 12 have been rejected same as claim 1 since claim 12 is an apparatus of claim 1.

As per claim 13, Buxton shows the identification means includes means for performing pattern recognition on the gesture (in fig.10).

Claim 20 is rejected same as claim 1 since it is a computer program to the step of claims 1 and apparatus claim 12 using a program code or instruction to do the steps.

Allowable Subject Matter

2. Claims 5-7, 9-10,15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach or suggest wherein identifying a string associated with the gesture includes: identifying a sub-gesture as claimed in claim 5.

The prior art fails to teach or suggest wherein performing a spell check on the identified string includes: looking up the identified string in a dictionary; determining whether the identified string exists in the dictionary; and responsive to the identified

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string existing in the dictionary, accepting the identified string as input as claimed in claim 9.

The prior art fails to teach or suggest wherein the identification means includes: means for identifying a change of direction; and means for recording a character based on a position of the change of direction with respect to the keyboard layout as claimed in claim 15.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin Patel whose telephone number is 571-272-7677. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin H. Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Nitin Patel
Examiner
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Nitin Patel